

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

NYCOLE WANDVIK-TOLLE, an individual;

Plaintiff,

vs.

KELLOGG USA INC., a Delaware corporation
qualified to do business in Nebraska;

Defendant.

8:18CV359

ORDER

This matter is before the Court on the Motion to Withdraw ([Filing No. 40](#)) filed by Terry A. White and the law firm of Carlson & Burnett, LLP. In support of the motion, Ms. White filed her sealed Declaration ([Filing No. 42](#)) detailing the basis of the request to withdraw. After review of the sealed Declaration, the Court finds the motion should be granted. Accordingly,

IT IS ORDERED:

1. The Motion to Withdraw ([Filing No. 40](#)) filed by Terry A. White and the law firm of Carlson & Burnett, LLP, is granted.
2. The firm of Carlson & Burnett, LLP shall immediately serve a copy of this Order on Plaintiff and thereafter file proof of service showing compliance with this Order, listing the name and address of the person to whom notice was sent. The firm of Carlson & Burnett, LLP will not be relieved of applicable duties to the Court, Plaintiff, and opposing counsel until proof of service is filed.
3. Upon filing of proof of service pursuant to Paragraph 2 of this Order, Plaintiff will be deemed to be proceeding *pro se*, that is, without the assistance of counsel, unless substitute counsel enters a written appearance on her behalf. If substitute counsel does not enter a written appearance, Plaintiff shall provide the Clerk of Court her current address and telephone number **within five days of being served with this Order**.
4. Plaintiff may retain substitute counsel at any time. However, until such time as substitute counsel enters a written appearance, Plaintiff must comply with all case progression deadlines, orders of this Court, the Federal Rules of Civil Procedure, and the Local Rules of Practice. Failure to comply with these requirements may result in the imposition of sanctions, including payment of costs, attorneys' fees, and/or dismissal of the case.

5. Defendant filed a Motion for Summary Judgment ([Filing No. 36](#)) on January 31, 2020. Plaintiff shall have an extension of time to **March 6, 2020**, to file her response to the Motion for Summary Judgment.
6. Upon submission of proof of service as described in Paragraph 2 of this Order, Terry A. White and the law firm of Carlson & Burnett, LLP's appearance as counsel of record for Plaintiff will be terminated, and the Clerk of Court shall terminate electronic notice to them in this case.

Dated this 6th day of February, 2020.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge